

2018R01226First Premier BankSee attached subpoena for delivery  
instructionsSee attachedAUSA [REDACTED]

U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
[REDACTED]  
New York, New York 10007

October 2, 2019

First Premier Bank

Subpoena Processing

Attn: Jacie Brunick

3820 N Louise Ave

Sioux Falls, SD 57107

To whom it may concern:

Please be advised that the accompanying grand jury subpoena has been issued in connection with an official criminal investigation of a suspected felony being conducted by a federal grand jury. The Government hereby requests that you voluntarily refrain from disclosing the existence of the subpoena to any third party. While you are under no obligation to comply with our request, we are requesting you not to make any disclosure in order to preserve the confidentiality of the investigation and because disclosure of the existence of this investigation might interfere with and impede the investigation.

Moreover, if you intend to disclose the existence of this subpoena to a third party, please let me know before making any such disclosure.

Thank you for your cooperation in this matter.

Sincerely,

GEOFFREY S. BERMAN

United States Attorney

By: \_\_\_\_\_

████████████████████

██████████

Assistant United States Attorneys

████████████████████

T0:

First Premier Bank

Subpoena Processing

Attn: Jacie Brunick

3820 N Louise Ave

Sioux Falls, SD 57107

GREETINGS:

WE COMMAND YOU that all and singular business and excuses being laid aside,  
you appear and attend before  
the GRAND JURY of the people of the United States for the Southern District  
of New York, at the United States  
Courthouse, 40 Foley Square, Room 220, in the Borough of Manhattan, City of  
New York, New York, in  
the Southern District of New York, at the following date, time and place:

Appearance Date:

October 16, 2019

Appearance Time:

10:00 a.m.

to testify and give evidence in regard to an alleged violation of :

18 U.S.C. §§ 1791, 201

and not to depart the Grand Jury without leave thereof, or of the United

States Attorney, and that you bring with you and produce at the above time and place the following:

See Attached Rider

N.B.: Personal appearance is not required if the requested documents are:

(1) produced on or before the return

date to Assistant U.S. Attorney [REDACTED], U.S. Attorney's Office for the Southern District of New

York, One Saint Andrew's Plaza, New York, NY 10007, [REDACTED],

[REDACTED]; and (2)

accompanied by an executed copy of the attached Declaration of Custodian of Records.

Failure to attend and produce any items hereby demanded will constitute contempt of court and will subject you to civil sanctions and criminal penalties, in addition to other penalties of the Law.

DATED:

New York, New York

October 2, 2019

GEOFFREY S. BERMAN

United States Attorney for the  
Southern District of New York

[REDACTED]  
Assistant United States Attorneys

One St. Andrew's Plaza

New York, New York 10007

Telephone:

[REDACTED]  
[REDACTED]  
rev. 02.01.12

Grand Jury Subpoena

SOUTHERN DISTRICT OF NEW YORK

RIDER

Grand Jury Subpoena to First Premier Bank dated October 2, 2019

Reference # 2018R01226

REQUEST:

For the following account, and any other account controlled by the account holder of the below account:

Account number [REDACTED]

Account Holder: Robert Adams

Please provide any and all documents, to include, but not limited to those identified below, for the period January 1, 2018 until the present:

- a. Account opening documents, including applications and signature cards;
- b. Records of account holders for debit and credit cards linked to the accounts;
- c. Account statements and ledgers;
- d. Images of checks (both front and back) deposited in account;
- e. Images of canceled checks (both front and back) drawn on account;
- f. Images of cashier's checks (both front and back) and depositing bank account information;
- g. Account deposit slips, withdrawal slips, debit & credit memos, and cash tickets;
- h. Detailed wire transfer records, ACH transfer records (including routing/account numbers funds transferred to/from), money orders, and traveler's check records;
- i. All credit card and line of credit records, including, but not limited to: applications, monthly statements, billing slips, and records evidencing the source of payment (copies of checks, ACH records (including routing/account numbers funds transferred to/from), or cash received slips);
- j. Customer information associated with the account, including name(s), address(es), telephone number(s), e-mail address(es), and any other identifying or contact information.

## INSTRUCTIONS FOR PRODUCTION OF DOCUMENTS:

1. All transactions-based information, include wire and ACH transfers, withdrawals/deposits, charges/payments, and bank account activity should be provided in electronic spreadsheet format (either Microsoft Excel or similarly compatible format).

Specifically:

a. For wires and other types of transfers, the account holder name, account number, and bank name of both the originator and beneficiary of the transaction should be clearly stated in separate fields.

b. Cash and check transactions should be indicated within a transaction type field.

i. Check transactions should include the name of the payee in the recipient field. Additionally, check images should be attached in graphic data files in a commonly readable, non-proprietary format with the highest image quality maintained, and named in a manner that uniquely associates them with the relevant transaction record(s).

ii. Cash withdrawals should be indicated with CASH written in the recipient field.

iii. Cash deposits should be indicated with CASH written in the sender/-originator field.

c. Field headers should be included for each column of data, and a data dictionary or other explanation of the contents of each column provided.

2. Where more than one account is being requested, each account's transaction records should be returned in a separate file.

3. All document images are to be produced in electronic PDF format. Where

images of  
checks, deposit slips, withdrawal slips, or cash tickets are being produced,  
they should be  
produced no more than two per page.

4. In lieu of an appearance you may comply with this subpoena by providing  
the requested  
information, along with a business records certification pursuant to Fed. R.  
Evid. 803(6)  
to Assistant U.S. Attorney [REDACTED] of the United States Attorney's  
Office, 1  
St. Andrew's Plaza, New York, NY 10007. Tel: [REDACTED], email:  
[REDACTED].

Declaration of Custodian of Records

Pursuant to 28 U.S.C. § 1746, I, the undersigned, hereby declare:

My name is \_\_\_\_\_.

(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration.

I am in receipt of a Grand Jury Subpoena, dated October 2, 2019

, and signed by Assistant United States Attorney [REDACTED], requesting specified records of the business named below. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records provided herewith and in response to the Subpoena:

(1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;

(2) were kept in the course of regularly conducted business activity; and

(3) were made by the regularly conducted business activity as a regular

practice.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_.

(date)

\_\_\_\_\_  
(signature of declarant)

\_\_\_\_\_  
(name and title of declarant)

\_\_\_\_\_  
(name of business)

\_\_\_\_\_  
(business address)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Definitions of terms used above

:

As defined in Fed. R. Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term "business" as used in Fed. R. Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

U.S. Department of Justice

United States Attorney

Southern District of New York

The Silvio J. Mollo Building

One Saint Andrew's Plaza

New York, New York 10007

October 2, 2019

First Premier Bank

Subpoena Processing

Attn: Jacie Brunick

3820 N Louise Ave

Sioux Falls, SD 57107

Dear Sir/Madam:

This letter describes the procedure for requesting reimbursement for subpoenaed records.

12 CFR part 219 (subpart A), issued by the Board of Governors of Federal Reserve System under section 1115 of the Right to Financial Privacy Act (12 U.S.C. 3415), sets the rates and conditions for reimbursement of costs directly incurred by financial institutions in assembling or providing customer financial records to a government authority pursuant to the Act.

No costs are reimbursable if the records are those of a corporation or a partnership comprised of more than five individuals.

If reimbursement is authorized, and the estimated billing to the government will exceed \$500, advance permission is necessary from [REDACTED] at [REDACTED].

If the subpoenaed records indicated on the rider are eligible for reimbursement, please complete section B of the enclosed form OBD-211, which will serve as your invoice, and return it with a copy of the subpoena to the following address:

U.S. Attorney's Office - SDNY

Accounts Payable Department

86 Chambers Street, 3

rd  
floor

New York, NY 10007

EFTA00109058

Please send your invoice to the above address within 60 days of the submission of the subpoenaed records. If no invoice is received within 120 days, funds will not be available to pay the invoice.

Thank you,

Accounts Payable  
Department

Enclosure: OBD-211



INSTRUCTIONS  
Form USA-211

ATTORNEYS:

1. Fill in blocks 2, 3, 4 (name only), 8, 9, and 10.
2. Mail the subpoena and the USA-211 to the financial institution. (A copy of this "Instructions" sheet and the attached "Important Notice" must be included with each USA-211).

In a situation where the financial institution directly returns to you the

USA-211  
with an invoice and the subpoena/rider

,

please forward to Budget and sign Box 14,

15 and the bottom of Box 22  
to acknowledge receipt of the requested service.

FINANCIAL OFFICIAL COMPLETES THE FOLLOWING:

1. Complete block 4 (address).  
Section B.
2. Complete block 11A and 11B (payments cannot be processed without a Tax ID Number).
3. Either complete or write "See attached invoice" and attach to the USA-211.
4. Sign block 12 and Date block 13. Note carefully the certification in conjunction with the attached "Important Notice".
5. Send the following documents to  U.S. Attorney's Office – SDNY  
Budget / Fiscal Unit

86 Chambers Street – 3

rd  
Floor

New York, NY 10007

- a. Completed USA-211
  - b. Copy of Subpoena and Rider
  - c. Attach invoice, if applicable
- IMPORTANT NOTICE

Pursuant to the Right to Financial Privacy Act (RFPA), Title 12, United States Code, Section 3415, financial institutions may be reimbursed for necessary costs actually incurred for producing subpoenaed financial records. Reimbursement may only be made in connection with financial records of checking, savings, share, loan or credit card accounts if the accounts belong to individuals or partnerships of five or fewer partners. Reimbursement may only be made to an entity defined as a financial institution under the RFPA. The Federal Reserve Board has established the following guidelines:

1. Search and Processing Costs – May be billed at the following rates of:  
Clerical/Technical, hourly rate - \$22.00  
Computer Support Specialist, hourly rate - \$30.00\*  
Manager/Supervisory, hourly rate - \$30.00

\*If itemized separately, personnel time for computer searches may be paid at the rates set for specialized computer support only when compliance with the request for information requires that the financial institution use programming or other higher level technical services of specialized computer support in order to reproduce electronically stored information in the format requested by the government authority.

2. Reproduction Costs – May be billed at the following rates of:

Photocopy, per page - \$0.25\*\*

Paper copies of microfiche, per frame - \$0.25

Duplicate microfiche, per microfiche - \$0.50

Storage Media (CD, flash storage device, etc.) – Actual Cost\*\*\*

\*\*Reimbursement is not permitted on a per-page basis for production of paper documents that had been stored electronically, unless the government specifically requested production of paper documents. \*\*\*Storage media may include encryption technologies.

3. Transportation Costs – If itemized separately, financial institutions may bill for:

⊘ Reasonably necessary costs directly incurred to transport personnel to locate and retrieve the requested information, and to deliver such material to the place of examination.

⊘ Reasonable measures taken to insure against a data breach, such as the use of registered mail or courier services as required.

⊘ No fixed reimbursement will be available for transmittal made by email. However, financial institutions may be reimbursed for personnel costs and other identified costs incurred related to making email transmissions.

REIMBURSEMENTS CANNOT BE MADE FOR RECORDS RELATING TO ACCOUNTS OF:

1. Corporations

2. Large Partnerships (6 or more partners)

3. Associations
4. Trusts
5. State and local government agencies
6. Other legal entities

Unless otherwise requested, all financial record requests should be delivered in an electronic format.

☐ Section B, item numbers 11 through 13 of the attached purchase order form must be completed and returned to the United States Attorney's Office to support reimbursement.

☐ To assure prompt payment, please submit an invoice within 60 days. Mail should be directed to the attorney whose name and address appears on the subpoena. Please include the appropriate tax ID number.

Note: If invoicing for these services is expected to exceed 120 days, please notify the United States Attorney's Office immediately to ensure funds remain available for payment.

FORM USA-211  
FEB. 2014

Request for Financial Information Under the Right to Financial Privacy Act (RFPA)

(Authorization, Purchase Order and Receiving Report)

U.S. Department of Justice

Washington, D.C. 20530

1 Tracking Number: 2 Date Order Prepared: 3 USAO Number:

Section A - Authorization and Purchase Order

4 Name and Address of Financial Institution:

6 Return Date: 5 Deliver Records To:

7 Remarks:

9 Telephone Number: 8 Name of Requestor: 10 Date of request:

No Payment Shall Be Made Unless Expenses Are Itemized Below Or Set Forth On Your Attached Invoice.

Section B - Financial Institution Invoice

11C Service(s)/Records Provided:

Quantity

Cost Per

Amount Unit Price

13 Date Signed: 12 Signature of Financial Institution Official: Total Amount Claimed

By Financial Institution

Section C - Receiving Report 16 Disallowance

(See Attached)

17 Net to

Financial

Institution

15 Date Received: 14 I certify that the articles and services listed were received:

18 Right to Financial Privacy Act - Public Law 95-630

(12 U.S.C. 3401-3422) Request Pursuant To: (Check One Only)

SECTION

OBJECT

CLASS

2545

2545

2545

2545

2545

2545

2545

Customer Authorization

Administrative Subpoena or Summons

Search Warrant

Judicial Subpoena

Formal Written Request

Grand Jury Subpoena

Special Procedures

3404

3405

Funding Certification &

Authorization:

3414

19 Signature of Approving Official:

Accounting Code:

Project Code:

21 Other Accounting/Fund Information:

YREGDOC:

22 Remarks:

This form shall be used when requesting financial records of individuals and partnerships of five or fewer individuals under the RFPA.

Budget Official Signature Funding Available Date

Approving Official Signature Date

Do not proceed with compliance if the total cost will exceed without prior approval. To obtain approval, call the requestor listed in Item 8.

To the best of my knowledge, the financial records received, for which we are being billed, are those of an individual or partnership of five or fewer individuals.

Signature of United States Attorney's Office Representative Date

Program Code:

Call Number (if applicable):

OBL Month (YRMO):

B.

A.

Send Completed USA-211 Form & Invoice To:

3406

3407

3408

3413

A. Searching and processing costs (clerical or technical personnel)

B. Searching and processing costs (management/supervisory personnel)

\$22.00 Hour

\$30.00 Hour

C. Searching and processing costs (computer support specialist) \$30.00 Hour

D. Reproduction Costs (Photocopying) - \*\*Note: Copy charges will be disallowed if

E. Reproduction Costs (Paper Copies of Microfiche: provide justification)

F. Reproduction Costs (Duplicate Microfiche: provide justification)

G. Storage Media Cost (e.g., Compact Disc, DVD, etc., at Actual Cost)

H. Transportation Costs (Direct Costs Only)

\$0.25 Page

\$0.25 Frame

\$0.50 Microfiche

In Item #12, I certify that the services invoiced above were not performed relative to any corporate

accounts and pertain only to accounts of individuals and partnerships of five or fewer individuals.

If invoicing for these services is expected to exceed 120 days, please notify the United States Attorney's Office immediately to ensure funds remain available

for payment. Please see the attached Important Notice for additional information on invoicing and other requirements for reimbursement.

11A Invoice Number:

11B Tax ID Number:

the information is stored electronically, unless the US Attorney's Office requests paper.

20 Funding Source

Program

Tax ID Number:

██████████

N/A

N/A

██████████

N/A

First Premier Bank

See attached

\$ 500.00

Budget / Fiscal Unit

86 Chambers Street, 3rd Floor New York, NY 10007

U.S. Attorney's Office - SDNY